



BOND, SCHOENECK & KING, PLLC

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November 15, 2007

VIA FAX

Honorable Kenneth M. Karas
 United States District Court Judge
 United States Courthouse Room 630
 300 Quarropas Street
 White Plains, New York 10601

MEMO ENDORSED

NOV 15 2007

Re: *Vivian Beale v. Mount Vernon Police Department, 07-CV-7520 (KMK)*

Dear Judge Karas:

We represent the Defendant Mount Vernon Police Department in the above referenced matter. Dawn of your Chambers granted permission to fax this letter to the Court.

Upon being served with the Complaint, we prepared a motion to dismiss the Complaint pursuant to Federal Rule of Civil Procedure 12(b)(6). However, after reviewing your individual rules of practice today, we learned that prior to making a pre-answer motion to dismiss, we must request the Court's permission to make such a motion. Currently, the Defendant must either answer or move to dismiss the complaint no later than today, November 15, 2007. Therefore, we respectfully requests an extension of time in which to answer the Complaint or request the Court's permission to file a pre-answer motion to dismiss.

Thank you for your attention to this matter.

Very truly yours,

BOND, SCHOENECK & KING, PLLC

Howard M. Miller

cc: Sanford A. Kutner, Esq.

*Mount Vernon Police Department
 my file its pre-motion letter by November 21,
 2007. The time to answer is extended until
 then, and if a letter is submitted, the time
 to answer will be extended again until the
 pre-motion conference.*

SO ORDERED

KENNETH M. KARAS U.S.D.J.

11/15/07

USDS SDNY

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